

Appl. No. 09/886,828
Atty. Docket No. 7897R3
Amtd. dated October 4, 2004
Reply to Office Action of July 2, 2004
Customer No. 27752

REMARKS

Claims 1, 10-11, and 13 are pending in the present application. No additional claims fee is believed to be due. Claims 1 and 10 have been amended to specify that the third material is a non-thermoplastic material. Antecedent basis is found throughout the specification and specifically on page 8, lines 17-19; page 14, lines 8-10; and page 24, lines 6-8.

Rejection Under 35 USC 112, ¶1

The Examiner has rejected Claims 1, 10-11, and 13 under 35 USC 112, ¶1 as failing to comply with the written description requirement. Claims 1 and 10 have been amended to state that the third material is a non-thermoplastic material instead of not a meltblown or elastic material. Applicants assert that this amendment complies with the written description requirement as antecedent basis is found throughout the specification as specifically listed above.

Applicants also assert that this amendment still overcomes the 35 USC 103 rejections based on Palumbo and Benson as neither reference discloses a non-thermoplastic material as the middle layer in the composite.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection. Early and favorable action in the case is respectfully requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 10-11, and 13.

Respectfully submitted,

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